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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/657,785

09/08/2003

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7590 04/21/2009  
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EXAMINER

SOBUTKA, PHILIP

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,785	<b>Applicant(s)</b> GOLLNICK ET AL.	
	<b>Examiner</b> PHILIP J. SOBUTKA	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 40-42, 46-51 and 55-132 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40-42 and 46-51 is/are allowed.
- 6) ☒ Claim(s) 55-132 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/03/2008, 10/22/2008</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the terms “particular type” of message, pseudo-random number calculation of wake-up, and on-line data entry.

2. The disclosure is objected to because of the following informalities: there are several appendices referenced, however there are no appendices filed..

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 55-132 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 55-59,64-66,71,73,79-82, 95-97,102-104,109,111,117-119,126,128, the term “particular type” is not defined or detailed in the specification.

Regarding claims 70, 71, 74, 108, 109, 113 the calculation for wake up based on a pseudo-random number this is not defined or detailed in the specification.

Regarding claims 63, 101, the on-line data entry is not defined or detailed in the specification.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore (US 4,964,121) in view of Schmidt (US 4,135,059).

Consider claim 55. Moore teaches a method for operating a node in a wireless network (Moore's communication units are nodes in a wireless network, see figure 1) comprising:

waking a node in a low power state at regular intervals (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

receiving at the waken node a particular message that is transmitted periodically (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65. Note that Moore's message would be a "particular" message);

synchronizing the node to the received message (Moore also teaches synchronization, see for example columns 7, line 31 – column 8, lines 65); and

switching operation of the node to an active state in response to the received message (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65).

Moore lacks a specific teaching of the regular interval being a multiple of a period at which the message is transmitted. Note that Moore teaches a time division multiplexing system (see Moore, figures 4a-d, column 1, lines 40-55). Schmidt teaches a time division multiplexing system in which a receiving station (corresponding to the claimed node) receives in regular intervals that are integral multiples of the channel slots (corresponding to the claimed "period") from a synchronizing frame reference (see for example Schmidt column 2, lines 45-54). Note that Schmidt's frame reference is itself sent at regular intervals (see for example Schmidt column 1, lines 28-32). Schmidt teaches that this allows for efficient utilization of capacity (see Schmidt column 1, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art to modify Moore to use the integral multiple arrangement as taught by Schmidt in order to efficiently utilize capacity.

Consider claim 56. Moore teaches an electrical circuit for utilization in a node of a wireless communication network (Moore's communication units are nodes in a wireless network, see figure 1), the electrical circuit comprising:

at least one circuit that operates to, at least:

wake a node in a low-power state at regular intervals (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

receive at the waken node a message that is transmitted periodically (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65);

synchronize the node to the received message (Moore also teaches synchronization, see for example columns 7, line 31 – column 8, lines 65); and

switch operation of the node to an active state in response to the received message (Moore see for example figures 5,6, item 216, columns 7, line 31 – column 8, lines 65).

Moore lacks a specific teaching of the regular interval being a multiple of a period at which the message is transmitted. Note that Moore teaches a time division multiplexing system (see Moore, figures 4a-d, column 1, lines 40-55). Schmidt teaches a time division multiplexing system in which a receiving station (corresponding to the claimed node) receives in regular intervals that are integral multiples of the channel slots (corresponding to the claimed “period”) from a synchronizing frame reference (see for example Schmidt column 2, lines 45-54). Note that Schmidt’s frame reference is itself sent at regular intervals (see for example Schmidt column 1, lines 28-32). Schmidt teaches that this allows for efficient utilization of capacity (see Schmidt column 1, lines 25-30). Therefore it would have been obvious to one of ordinary skill in the art to modify Moore to use the integral multiple arrangement as taught by Schmidt in order to efficiently utilize capacity.

***Allowable Subject Matter***

8. Claims 40-42 and 46-51 are allowed for the reasons presented in applicant’s response.

### **Response to Amendment**

9. Applicant's arguments with respect to claims 55 and 56 have been considered but are moot in view of the new ground(s) of rejection.

10. Regarding claims 55 and 56, applicant did not provide arguments or a summary of the discussion of the telephone interview. It is also noted that the examiners summary merely noted discussion with no agreement reached. As to the term "particular type" it is not understood why any message would not be a "particular type" of message. Note also that, particularly since applicant believes allowability may rest on the interpretation of the term, it must be defined and detailed in the instant specification. The examiner was unable to find a single use, let alone support for the term "particular type".

### **Conclusion**

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2618

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.

15. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip J Sobutka/  
Primary Examiner, Art Unit 2618

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